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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,831	03/04/2004	Daniel Ledermann	250031US2	3854
22850 7590 04/03/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER THOMAS, JASON M				
ART UNIT		PAPER NUMBER		
2623				
NOTIFICATION DATE		DELIVERY MODE		
04/03/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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### Office Action Summary

**Application No.**

10/791,831

**Applicant(s)**

LEDERMANN ET AL.

**Examiner**

Jason Thomas

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) 4-10 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3 is/are rejected.  
7) ☒ Claim(s) 4-10 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 10/791,831.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date 4/13/04  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The disclosure is objected to because of the following informalities:
  - a. The abstract exceeds 150 words.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 4-10 have been objected to under 37 CFR 1.75(c) as being in improper form because of their dependency on multiple dependent claims 3-9. See MPEP § 608.01(n). Accordingly, the claims 4-10 have not been further treated on the merits.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by Alston et al. (CA Patent No. 2,321,462).

**Regarding claim 1:** Alston discloses a system for recording and playback of television signals from a plurality of television channels, comprising:

a computer-based controlling central unit, connectible to as telecommunication network (see [fig. 2 item 40], [abstract], [pg. 3, ll. 12-21], [pg. 7, ll. 23-25], [pg. 8, ll. 6-12], [pg. 26, ll. 25-27]);

a plurality of television receivers, connected to the controlling central unit, for receiving television signals in each case on one of the television channels [see [fig. 2], [abstract], [pg. 4, ll. 3-5], [pg. 7, ll. 27-29], [pg. 9, ll. 15-17], [pg. 11, ll. 5-8], [pg. 23, ll. 17-19)];

one or more coding modules, connected to the television receivers, for coding the received television signals in a digital format (see [abstract], [pg. 3, ll. 12-19], see also [pg. 6, ll. 7-12], [pg. 7-8, ll. 27-4] for a unit that behaves as a receiver, receiving multimedia/television/internet signals and coding the signals);

the controlling central unit being set up to receive recording instructions from users via the telecommunication network, to store the received recording

instructions (see [pg. 17, ll. 18-25], [pg. 25-26, ll. 23-23], [pg. 55, ll. 8-12 for recording and storing the received recording instructions by “setting” the system), assigned in each case to a user identification for the respective user (see [pg. 11, ll. 14-17], [pg. 12, ll. 15-17], [pg. 39, ll. 28-30], [pg. 17, ll. 18-25] for customer profile management; [pg. 41, ll. 17], [pg. 54, ll. 18-27], [pg. 56, ll. 9-12]), and to store the television signals, coded in digital format, which have been received on the television channel specified by the stored recording instructions (see [pg. 9, ll. 15-22], [pg. 29, ll. 25-28], [pg. 41, ll. 1-5]), at a time specified by the stored recording instructions (see [pg. 41, ll. 1-4], [pg. 41, ll. 15-16]), assigned in each case to the user identification to which the respective stored recording instructions are assigned (see [pg. 39, ll. 28-30], [pg. 17, ll. 18-25] for customer profile management; [pg. 41, ll. 17], [pg. 54, ll. 18-27], [pg. 56, ll. 9-12]); and a playback module for transmitting the television signals stored in digital format via the telecommunication network, in each case for playback on a terminal of the user, who is identified by the user identification assigned to the respective stored television signals (see [pg. 3, ll. 21-26], [pg. 8, ll. 26-30], [pg. 9, ll. 9-13], [pg. 11, ll. 5-17], [pg. 12, ll. 15-17]).

**Regarding claim 2:** Alston discloses the system according to claim 1, wherein the controlling central unit is set up to transmit, in accordance with the stored recording instructions, control signals in each case to one of the connected television receivers for activation of the respective television receiver and/or for selection of a television channel on the respective television receiver

(see [pg. 13, ll. 13-23] for an inherent control signal directing the STB to receive data on local storage in accordance with the stored recording instructions; see also [pg. 17, ll. 18-25], [pg. 25-26, ll. 23-23], [pg. 22, ll. 22-28]).

**Regarding claim 3:** Alston discloses the system according to one of the claims 1 or 2, wherein the telecommunication network is a network based on Internet protocol, in that the playback module is set up to transmit the television signals, stored in digital format, in streaming mode via the telecommunication network to the terminal of s the user (see [pg. 1, ll. 5-10], [pg. 7, ll. 1-11], [pg. 9, ll. 15-22], [pg. 13, ll. 20-23], [pg. 22-23, ll. 22-7]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/  
Primary Examiner, Art Unit 2623

J. Thomas